



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2306929
Applicant Name: Jeffrey Araucto
Address of Proposal: 8910 Lake City Way Northeast

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a six-story building containing 40,000 sq. ft. of mini-warehouse use, and 2,958 sq. ft. of warehouse use. Parking for 12 vehicles to be provided within the structure at grade. Project includes future demolition of existing structures and 3,500 cubic yards (cu. yds.) of grading.

*Note: the project description has been revised from the original notice of application.

The following approval is required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code.)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☒ DNS with conditions
☐ DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

This approximately 9,450 square foot (sq. ft.) rectangular site is located in a Commercial 1 (C1-65') zone, situated on the east side of Lake City Way Northeast. A paved gated surface parking area and one-story building used car sales office remains on the site. The site is accessed via a curb cut on Lake City Way Northeast.

Lake City Way Northeast is an improved street with curbs, sidewalks and gutters in front of and directly across from the subject site. It is classified as a principal arterial street, pursuant to SMC Chapter 23.53.

The entire site is identified as Environmentally Critical Area (ECA)-Liquefaction Prone. A portion of the site is identified as ECA-Steep Slope. The asphalt paved portion of the site remains level within the first 84' from Lake City Way Northeast, slopes abruptly downward 14 to 15 feet at a concrete retaining wall behind the existing building, then the eastern half of the site slopes gently down toward the

east and is covered by asphalt, gravel and vegetation. Site elevations range from a high of approximately 266' along the west side of the site to a low of approximately 245' at the bottom of the slope near the east edge of the site. The applicant has been granted a limited exemption from ECA steep slope development standards under Project #2307880 for the identified ECA area but all other ECA submittal, General, Landslide-Hazard and applicable development standards still apply to the proposal. Thornton Creek is located approximately 300' east of the subject site and doesn't traverse this site.

Adjacent zoning surrounding the site is as follows:

North	Commercial (C1-65')
East	Lowrise (L-2)
South	Commercial (C1-65')
West	Lowrise (L-3) & Commercial (C1-40')

Adjacent uses are as follows

North	Restaurant
East	Vacant Property and Multi-family Residential
South	Car Sales Lot
West	Apartments and Mixed-Use Residential Structure

Proposal

The proposed redevelopment of the site involves the construction of a 48,264 sq. ft. six-story with basement commercial building. The proposed building will comprise of 40,000 sq. ft. of mini-warehouse storage use at the basement level and on the second, third, fourth, fifth and sixth floors; 2,958 sq. ft. of warehouse use on the first floor; and 5,306 sq. ft. of designated parking and loading area on the first floor within the structure. The vehicle access to twelve parking spaces and loading berth would be via Northeast 89th Street, through the neighbor's parking garage by ingress, egress easement from the adjacent southerly property. The project includes approximately 3,500 cubic yards of grading. Proposed street improvements include the following which will be required as part of this project: a new planting strip with street trees and sidewalk improvements along that portion of the property fronting on Lake City Way Northeast. Landscaping improvements are proposed along the west property line. The principal exterior building materials proposed are CMU and colored pre-formed metal panels.

Land Use Code

This project in conjunction with a neighboring proposal at 8908 Lake City Way Northeast (Project # 2306928) was closely analyzed per the Land Use Code requirements regarding maximum size limits. Per Subsection 1 of section 23.47.010.A. titled "Maximum Size of Nonresidential Use Per Individual Business Establishment and Per Lot" states "Maximum size regulations shall apply to individual business establishments according to Chart B". According to Chart B, "Mini-warehouse in a C1 zone can be a maximum of 40,000 sq. ft. of gross floor area." The Land Use Code, at section 23.84.004, defines a "Business Establishment" as "an economic or institutional unit organized for the purposes of conducting business and/or providing a service. In order to be considered a separate business establishment, a business shall be physically separated from other businesses. Businesses that share common facilities, such as reception areas, checkout stands, and similar features (except shared building lobbies and bathrooms) shall be functionally related. The structures may be located on a single lot or on adjacent lots. A business establishment may be a commercial, manufacturing, institutional, or any other type of nonresidential use or live-work unit."

The applicant proposes to construct two (2) six-story with basement mini-warehouse/warehouse use commercial buildings on neighboring lots. The subject site ("Bldg. A") will contain 40,000 sq. ft. of mini-warehouse use and 2,958 sq. ft. of warehouse use. The proposed building at 8908 Lake City Way Northeast ("Bldg. B") will contain 39,106 sq. ft. of mini-warehouse use and 4,141 sq. ft. of warehouse use. Per the submitted plans, the dependencies between the two buildings are as follows: both buildings share a 4-hour area separation wall at the middle property line; sole vehicle access to enclosed parking for the subject site ("Bldg. A") is proposed through Bldg. B's parking garage, the entrance to which fronts on Northeast 89th Street; floor plans denote internal access on every floor from "Bldg. A" to an enclosed stairwell within "Bldg. B" to comply with emergency egress requirements per the Building Code. Each building will have separate offices, bathroom facilities and street level entrances.

The owner representative has communicated through a series of meetings that the intent is to operate each business in a separate manner. The applicant has obtained separate business licenses for each business, and has provided a total of four separate operating agreements for each mini-warehouse and warehouse business. In order to insure that the businesses will remain separate business establishments in the future, DPD will require that the operating agreements will be filed with the State of Washington and recorded with King County.

Public Comments

The required public comment period ended on January 28, 2004. DPD received comments from residents, condominium board members and legal representation of the Ravenna Woods Condominium development located at 2300 Northeast 89th Street just east of the subject site. Written comments concerning this proposal include the following:

- Land Use Code requirements regarding maximum size limits for business establishments aren't being adhered to due to the amount of dependencies between the neighboring proposed mini-warehouse/warehouse structures.
- Possible flooding and damage to existing buildings along the Thornton Creek due to increased stormwater runoff from the proposed development into existing drains.
- Negative impacts including reduced afternoon/evening sunlight to down slope properties due to the "massive bulk and boxy design" of the proposed structure(s).
- Negative impacts to neighboring residences due to increased traffic volumes, noise and vehicle exhaust fumes.
- Proposal's lack of landscaping along the building's east façade.
- Possible odor and pest impacts due to the location of the proposed trash enclosure.
- Adverse construction impacts to Thornton Creek.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 26, 2003. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has reviewed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file;

and considered public comments received regarding this proposed action. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Additionally, given the relationship of this project and an adjacent project to the south (refer to MUP 2306928); the discussion below will consider the cumulative impacts and the need for mitigation, (SMC 25.05.670 Cumulative effects policy).

Short-term Impacts

The following temporary demolition and construction activities on this site and the site to the north could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, streets and parking impacts.

Noise

Noise associated with construction of the building on the subject site and the southern proposal could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment, registering 60 dB(A) or more at the receiving property line or a distance of 50 feet from the equipment; to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, due to the proximity of the project site and the southern proposal to nearby residential uses, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department’s conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary on this site and the northern site. Therefore, as a condition of approval, the proponent will be required normally to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.’s Day, President’s

Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, and Christmas Day.)

Air Quality

Construction on this site and the site to the south will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations requires activities which produce airborne materials or other pollutant elements, to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne.

Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency ("PSCAA") prior to demolition. Thus, as a condition of approval prior to demolition, the proponent will be required to submit a copy of the required notice to PSCAA. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

Earth

The ECA Ordinance and Directors Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by Marc R. McGinnis, P.E. dated August 1, 2003. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction.

The summary of the findings of the report is the following: After excavating five test pits and drilling two borings at approximate locations, "groundwater perched above the glacially compressed soils was encountered in many of the explorations". The geotechnical report further states, "The test pits and borings that were conducted for this study, and the previous GeoProbe borings, generally encountered glacially compressed soils within 5 to 15 feet of the existing ground surface. These competent silt and sand soils are suitable to support the planned structure using conventional foundations." The submitted report, which is located in the project file, further details the specific requirements for proper installation of permanent foundation; slabs-on-grade and retaining walls; temporary shoring techniques; excavation and slope techniques; excavation and shoring monitoring; and drainage considerations.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control

Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies

Grading

An excavation to construct the lower level of both structure areas will be necessary. The maximum depth of the excavation is approximately twenty-seven (27) feet and will consist of an estimated 3,500 cubic yards of material for each site. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Streets and Parking

The proposed on-site excavation on this site and the northern site is controlled by an excavation permit. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation (SDOT.) It is the City's policy to minimize or prevent adverse traffic impacts which would undermine the stability, safety, and/or character of a neighborhood or surrounding areas (25.05.675 R).

This area of the City is known to have highly congested streets, especially during peak hour traffic periods. Large construction vehicle associated with demolition, excavation and materials delivery may adversely impact peak hour traffic. There are no City codes or ordinances to address the impact of large vehicles or highly congested streets. As a result, mitigation is warranted as described below.

Construction activities may result in sidewalk closures or other obstacles to pedestrians. Similarly, traffic lanes may be affected by construction staging, deliveries, etc. The impacts on pedestrians and traffic circulation could be intensified by the cumulative effects of the two projects. Adverse impacts are not adequately mitigated by existing City codes. Thus, additional mitigation is warranted pursuant to the Construction Impacts Policy (SMC 25.05.675B) and Cumulative Effects Policy (SMC 25.05.670). A construction-phase transportation plan addressing street and sidewalk closures, as well as truck routes and hours of truck traffic, will be required to mitigate identified impacts.

Long-term Impacts

Potential long-term or use-related impacts anticipated by this proposal and the southern proposal include: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting and from vehicle traffic (headlights); increased traffic and parking demand due to employees and visitors; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; and increased energy consumption.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site

collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. However, due to the size and location of this proposal, traffic and parking impacts; and height, bulk and scale warrant further analysis.

Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual (7th edition) estimates that mini-warehouse projects generate approximately .15 average vehicle trips in the A.M. peak and .26 average vehicle trips in the P.M. period per 1000 sq. ft. of gross floor area per weekday. High-cube warehouse projects generate approximately .12 average vehicle trips in the P.M. period per 1000 sq. ft. of gross floor area per weekday. Based on these estimates both proposed structures would generate a total of approximately 33 trips per day, with approximately 12 trips in the A.M. and 21 trips in the P.M. peak hours. The table below illustrates the existing and proposed trip generation estimates:

Trip Generation Estimates			
Use(s)	AM Peak	PM Peak	Trips per weekday
Existing			
Car Sales with 10,580 sq. ft. of gross floor area	23	29	52
Proposed			
Mini-Warehouse with 79,106 sq. ft. of gross floor area	12	20	32
High-cube Warehouse with 7,099 sq. ft. of gross floor area	N/A	1	1
Net Change	-11	-8	-19

Given the net decrease in vehicle trips for the two sites, no adverse traffic impacts will occur, thus no SEPA mitigation of traffic impacts is warranted.

Parking

The Land Use Code requires a total of twenty-two (22) parking spaces and two (2) loading berths for both proposals. The submitted MUP plans indicate twenty-two (22) parking spaces and two (2) loading berths are provided. The Institute of Transportation Engineers (ITE) Parking Generation manual, 3^d edition estimates an average rate of .16 parking spaces for every 1,000 sq. ft. of mini-warehouse/warehouse building area. Using this multiplier, the estimated parking demand would be 14 parking spaces based on approximately 86,205 sq. ft. of cumulative mini-warehouse/warehouse gross floor area for both proposals. It is estimated that the peak demand for parking would be after 5:00 PM and on the weekends. Based on the amount of parking being provided, it is determined that there will be adequate on-site parking spaces to accommodate unanticipated parking impacts. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

Height, Bulk, and Scale

Section 25.05.675 of the Seattle SEPA Ordinance provides policy background for reviewing the height, bulk and scale of a project. The Land Use Code which implements these policies controls height, bulk and scale but cannot anticipate or address all substantial adverse impacts resulting from incongruous height, bulk and scale. These proposals are on sites which have unusual topographic features. There is an approximately 23 foot grade change between the project sites and the neighboring site to the east. The neighboring site to the east, whose westerly property line spans the entire width of both subject sites, is vacant and zoned Lowrise 2. The project is in a C1-65' zone. These conditions warrant further analysis and mitigation.

The project has been designed to minimize its height, bulk and scale in relation to the neighboring properties north, west and south of the development. The proposal includes architectural features (CMU and textured materials); landscaping, modulation, canopies and stepping the building down the hillside in order to match the topography to reduce mitigate possible adverse impacts.

The proposal does not adequately address height, bulk and scale in relation to the L-2 zoned property immediately to the east. Per section 23.45.009.A&C, the maximum height of a structure that could be built on this lot is 35'. The maximum height of the proposed structures is 65' but due to the existing downward slope condition on the subject sites and the placement of the two proposed structures, the structures appear to be taller and the structures' combined east façades would be considered expansive from the L-2 perspective. The Land Use Code attempts to mitigate this issue by requiring that non-residential structures adjacent to the lot line of a residentially zoned lot setback 10' for portions of structures above 13' in height to a maximum of 65' (23.47.014.B). The proposal meets this code requirement. However, due to the cumulative bulk of the two projects, the topography and the zoning pattern, the project impacts must be further mitigated.

Additional design techniques such as utilizing colors, texture, materials, vertical elements and landscaping to differentiate between the two structures and minimize the appearance of height, bulk and scale for the projects must be sought and addressed. The applicant proposes concrete retaining walls and pre-formed metal siding panels along the east façade between the first and sixth floors. Further mitigation should be sought such as: at about 45' above the lowest elevation a smooth horizontal band should be extended along the entire easterly façade separating an upper lighter color and lower darker color to create depth; differentiate between the two buildings by changing the orientation of the pre-formed metal siding panels; add elements along that portion of the east façade between the second and fifth stories that provide interest; and lastly, provide landscaping in the forms of ivy or mature trees along the lower wall. These elements can adequately mitigate the height, bulk and scale impacts of the project(s). Additional mitigation is warranted pursuant to the Height, Bulk and Scale Policy (SMC 25.05.675G) and Cumulative Effects Policy (SMC 25.05.670). Both proposals will need to be revised to address these identified impacts.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

Prior to the issuance of the Master Use Permit and for the life of the project:

1. The applicant must address the mitigation of height, bulk and scale by utilizing colors, texture, materials, vertical elements and landscaping to differentiate between the two structures and minimize the appearance of height, bulk and scale for the east façades of both proposals located at 8908 and 8910 Lake City Way Northeast. Specifically, the proposed building designs must be updated to reflect the following mitigation: at about 45' above the lowest elevation a smooth horizontal band should be extended along the entire easterly façade separating an upper lighter color and lower darker color to create depth; differentiate between the two buildings by changing the orientation of the pre-formed metal siding panels; add elements along that portion of the east façade between the second and fifth stories that provide interest; and lastly, provide landscaping in the forms of ivy or mature trees along the lower wall. All appropriate plans, including the landscape plan must be updated to reflect these changes and approved by the Land Use Planner.

Prior to the issuance of the Building Permit

1. The proponent will be required to submit a copy of the Puget Sound Clean Air Agency notice of construction. If asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.
2. To further mitigate construction related transportation and parking impacts, applicant must prepare and submit a Construction Transportation Management Plan (CTMP) to be reviewed and approved by DPD in consultation with Seattle Department of Transportation (SDOT). The CTMP must include, at the minimum;
 - approximate phases and duration of construction activities
 - identification of haul routes to and from the site
 - identification of potential street closures
 - identification of potential sidewalk closures and management of pedestrian routes
 - management of parking for construction workers

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the

building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The proponent will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. (Work would not be permitted on the following holidays: New Years Day, Martin Luther King Jr.'s Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day following Thanksgiving Day and Christmas Day.)

Signature: (signature on file) Date: December 6, 2004
Tamara Garrett, Land Use Planner
Department of Planning and Development
Land Use Services